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I hereby certify that the attached documents are being transmitted via facsimile transmission to the Assistant Commissioner for Patents of the United States Patent and Trademark Office, via facsimile number (703) 872-9398, on this 10th day of October, 2002.

Jeanne L. Louis
Attorney/Agent for Applicants
October 10, 2002
Date

Attorney Docket No. 1165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce, et al. Date: October 10, 2002
Serial No.: 09/766,399 Group Art Unit: 1634
Filed January 19, 2001 Examiner: Einsmann, J.
For: "Novel Plant Promoters and Methods of Use"

Assistant Commissioner for Patents
Washington, D.C. 20231

**TRANSMITTAL
AMENDMENT AND EXTENSION OF TIME PETITION**

Applicant(s) hereby petition for an extension of time for response from the date of the Examiner's action as needed, the fee being as follows:

- | | | |
|-------------------------------------|---------------------------|------------|
| <input checked="" type="checkbox"/> | reply within one month | \$ 110.00 |
| <input type="checkbox"/> | reply within second month | \$ 400.00 |
| <input type="checkbox"/> | reply within third month | \$ 920.00 |
| <input type="checkbox"/> | reply within fourth month | \$1,440.00 |
| <input type="checkbox"/> | reply within fifth month | \$1,960.00 |

Charge \$110.00 to Deposit Account No. 16-1852 for this extension of time.

Transmitted herewith is an amendment in the above-identified application.

10/24/2002 TTABBI 00000001 161852 09766399

01 FC:1251 110.00 CH

Serial No. 09/766,399
Group Art Unit: 1634

Fee Calculation for Amended Claims

The fee is calculated as shown below:

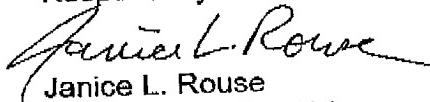
	Col 1		Col 2	Col 3	Other than a small entity	
	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total	16	Minus	16	= 0	x 18 =	\$0.00
Indep	3	Minus	4	= 0	x 84 =	0.00
<input type="checkbox"/> First presentation of Multiple Dependent Claim						+ 280 =
						Total \$0.00

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- No additional fee is required for the amendment(s).
- Charge \$ for this amendment to Deposit Account No. 16-1852.
Two copies of this form are enclosed.

Please charge any additional fees under 37 CFR 1.16 or 1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 16-1852. Also, should the Patent and Trademark Office determine that the fee calculated in the above extension petition is not deemed sufficient to have this response considered as being timely filed, this constitutes a petition for extension of time for the minimum period to effect timely filing, and the Commissioner is authorized to debit any necessary fee to said deposit account.

Respectfully submitted,



Janice L. Rouse
Agent for Applicant(s)
Registration No. 52,183

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached documents are being transmitted via facsimile transmission to the Assistant Commissioner for Patents of the United States Patent and Trademark Office, via facsimile number (703) 872-9306, on this 10th day of October, 2002.

Janice L. Rouse
Attorney/Agent for Applicant
October 10, 2002
Date

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FAX TRANSMISSION

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TO: Assistant Commissioner for Patents
FROM: Janice L. Rouse, Registration No. 52,183
RE: U. S. Patent Application No. 09/766,399; Attorney Docket No. 1165
DATE: October 10, 2002 FAX NUMBER: (703) 872-9306
NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 20

COMMENTS:

Attached -

- Transmittal Amendment and Extension of Time Petition / 2 pgs.
- Amendment and Request for Reconsideration / 18 pgs.

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